

STAND. COM. REP. NO. 829

Honolulu, Hawaii
, 2023

MAR 02

RE: H.B. No. 1502
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 1502 entitled:

"A BILL FOR AN ACT RELATING TO EVIDENCE,"

begs leave to report as follows:

The purpose of this measure is to limit, with certain exceptions, the compelled disclosure of sources or unpublished information by journalists, newscasters, and persons participating in the collection or dissemination of news or information of substantial public interest.

Your Committee received testimony in support of this measure from the Media Council Hawaii, Hawaii Chapter of the Society of Professional Journalists, Big Island Press Club, Albatross News, and two individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Hawai'i Supreme Court Standing Committee on the Rules of Evidence and Office of the Public Defender.

Your Committee finds that Act 210, Session Laws of Hawaii 2008 (Act 210), temporarily established a limited news media privilege against the compelled disclosure of sources and unpublished information to any authority with the power to compel testimony or the production of evidence. Act 113, Session Laws of

2023-2332 HB1502 HD1 HSCR HMSO



Hawaii 2011, extended the repeal date of Act 210 to June 30, 2013, and required the Judiciary, through its Standing Committee on the Rules of Evidence, to recommend whether to codify Act 210 under chapter 621 or 626, Hawaii Revised Statutes, or allow Act 210 to be repealed. In 2021, the Standing Committee on the Rules of Evidence recommended that Act 210 be repealed and that the news media privilege be codified under chapter 621, Hawaii Revised Statutes. This measure enacts the recommendation of the Standing Committee on the Rules of Evidence by enacting a permanent news media privilege under chapter 621, Hawaii Revised Statutes.

Your Committee has amended this measure by:

- (1) Clarifying that the limited news media privilege against disclosure of sources applies to journalists, newscasters, and persons participating in the collection or dissemination of news or information of substantial public interest who are currently or previously employed by or professionally associated with a digital news website, rather than to persons currently or previously employed or professionally associated with the digital version of any newspaper or magazine;
- (2) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1502, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1502, H.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



